

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
October 29, 2013 - 9:00 A.M.

PRESENT: COMMISSIONER DOUG WITNEY, CHAIR
COMMISSIONER GARY J. ANDERSON, VICE-CHAIR
EXCUSED: COMMISSIONER LARRY A. ELLERTSON

ALSO PRESENT:

E. Kent Sundberg, Civil Division Chief Attorney
David Shawcroft, Utah County Deputy Attorney
Robert J. Moore, Utah County Deputy Attorney
Paul Jones, Utah County Deputy Attorney
Bryan E. Thompson, Utah County Clerk/Auditor
Julie Rollins, Utah County Purchasing Agent
Kris Poulson, Utah County Assessor
Bryce Armstrong, Community Development
Dr. Joseph K. Miner, Health Department Exec. Director
Lana Jensen, Utah County Personnel Director
PJ Maughan, Drug & Alcohol Prevention & Treatment
Richard Nielson, Utah County Public Works Director

Jeff Smith, Utah County Recorder
Andrea Allen, Utah County Recorder's Office
Dalene Higgins, Utah County Sheriff's Office
James O. Tracy, Utah County Sheriff
Gary Ratcliffe, Utah County Surveyor
Robert C. Kirk, Utah County Treasurer
Dennis Marker, Santaquin City Community Development
Larry Ballard, Utah County Resident
Christine Hardy, Orem Resident
Eldon A. Neves, Citizens for Rural Utah
Mike Stansfield, Fairways Media
Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Witney called the meeting to order at 9:05 A.M. and welcomed those present. He excused Commissioner Ellertson and noted that Robert's Rules of Order would be waived for the purpose of making motions. The Board momentarily recessed to assemble as the Municipal Building Authority of Utah County, and the Board of Trustees of Utah County Service Area Nos. 6, 7, 8, and 9, respectively. The Utah County Board of Commissioners reconvened at 9:13 A.M. and the following matters were discussed:

PRAYER/READING/THOUGHT: Eldon A. Neves, Citizens for Rural Utah

PLEDGE OF ALLEGIANCE: Dr. Joseph K. Miner, Utah County Health Department Executive Director

CONSENT AGENDA

- 1. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO ALLOW THE UTAH COUNTY DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT TO EITHER A.) WAIVE THE REMAINING FEES OF A DRUG COURT CLIENT IN THE AMOUNT OF \$596.00; OR B.) ENTER INTO A FORBEARANCE AGREEMENT WITH SAID DRUG COURT CLIENT**

Commissioner Anderson summarized that the Board has chosen to grant a Forbearance Agreement, Option "B," for the specified Drug Court client.

- 2. APPROVE REDUCING THE PENALTY IN THE AMOUNTS LISTED FOR THE ATTACHED PERSONAL PROPERTY ACCOUNTS, HAVING BEEN IDENTIFIED AS MEETING THE QUALIFICATIONS UNDER ORDINANCE NO. 2010-4 AND RESOLUTION NO. 2011-64 OF THE UTAH COUNTY CODE**

- 3. ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE**

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - October 29, 2013

Page 2

4. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 20295, DATED OCTOBER 22, 2013**
5. **ACKNOWLEDGE RECEIPT OF RESOLUTION FROM ALPINE SCHOOL DISTRICT BOARD OF EDUCATION AND PROVO SCHOOL DISTRICT BOARD OF EDUCATION ADJUSTING BOUNDARIES BETWEEN DISTRICTS**
6. **APPROVE THE EXECUTION OF AN ORDER, AND STIPULATION FOR ENTRY OF ORDER, BETWEEN UTAH COUNTY AND COMCAST CORPORATION**
7. **ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE CHILDREN'S JUSTICE CENTER AND TO THE UTAH COUNTY HEALTH DEPARTMENT**
8. **APPROVE THE MINUTES OF THE OCTOBER 22, 2013 COMMISSION MEETING**

9. **RATIFICATION OF WARRANT REGISTER SUMMARY**

Register No. 969	October 21, 2013	Purchasing Cards 893-895	Total: \$	64,151.87
Register No. 970	October 21, 2013	Purchasing Cards 896-909	Total: \$	4,521.56
Register No. 971	October 21, 2013	Check Nos. 186617-186662	Total: \$	117,890.59
Register No. 972	October 21, 2013	Purchasing Cards 910-912	Total: \$	21,092.13
Register No. 973	October 21, 2013	Check Nos. 186663-186674	Total: \$	9,065.68
Register No. 974	October 22, 2013	Direct Deposit:18028-18079	Total: \$	16,014.36
Register No. 975	October 22, 2013	Purchasing Cards 913-913	Total: \$	476.77
Register No. 976	October 22, 2013	Check Nos. 186675-186736	Total: \$	178,675.73
Register No. 977	October 23, 2013	Purchasing Cards 914-914	Total: \$	23,067.81
Register No. 978	October 23, 2013	Check Nos. 186737-186794	Total: \$	88,224.54
Register No. 979	October 23, 2013	Direct Deposit:18080-18080	Total: \$	701,637.40
Register No. 980	October 23, 2013	Purchasing Cards 915-934	Total: \$	3,483.74
Register No. 981	October 23, 2013	Check Nos. 186795-186810	Total: \$	74,204.48
Register No. 982	October 24, 2013	Purchasing Cards 935-935	Total: \$	41,737.63
Register No. 983	October 24, 2013	Purchasing Cards 936-937	Total: \$	86.17
Register No. 984	October 24, 2013	Check Nos. 186811-186840	Total: \$	16,877.52
Register No. 985	October 25, 2013	Purchasing Cards 938-938	Total: \$	108.41
Register No. 986	October 25, 2013	Check Nos. 186841-186870	Total: \$	75,409.47
Total:				<u>\$1,436,725.86</u>

Consent Agenda Item Nos. 1 through 9 were approved as written. Commissioner Witney recommended the following Regular Agenda items be moved to Consent:

1. **DECLARE NOVEMBER 2013 AS PANCREATIC CANCER AWARENESS MONTH IN UTAH COUNTY** *(Continued from the September 17, 2013 Commission meeting)*
2. **REVIEW, CONSIDER, AND TENTATIVELY ADOPT THE 2014 TENTATIVE BUDGET FOR THE GENERAL FUND AND OTHER BUDGETARY FUNDS OF UTAH COUNTY, UTAH**
Commissioners Witney and Anderson commented on the dedication of county employees and Department Heads for cooperating to balance the budget, and specifically thanked the Clerk/Auditor's Office for their continued efforts.
4. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A CONTRACT WITH THE NYHART COMPANY TO PROVIDE PROFESSIONAL SERVICES RELATED TO ACTUARIAL VALUATIONS**

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - October 29, 2013

Page 3

5. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE MAINTENANCE AGREEMENT WITH AUTOMATED BUSINESS PRODUCTS FOR AN MPC4500 COPIER, SERIAL NO. 24177090-2161239, LOCATED IN INFORMATION SYSTEMS, REDACTING AND REPLACING AGREEMENT NO. 2013-548**
6. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MEMORANDUM OF AGREEMENT WITH THE UTAH DEPARTMENT OF HEALTH DEFINING DISTRIBUTED STATE FUNDS MATCH REQUIREMENTS, REPLACING UTAH COUNTY AGREEMENT NO. 2013-679**
7. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2012-712 WITH DR. HENRY GARDNER TO EXTEND THE TERMS OF THE CONTRACT UNTIL SEPTEMBER 30, 2014** *(Continued from the October 22, 2013 Commission meeting)*
8. **APPROVE AND AUTHORIZE THE UTAH COUNTY CLERK/ AUDITOR TO SIGN THE QUIT-CLAIM DEEDS FOR ORCHARD LANE IN SANTAQUIN IN FAVOR OF SANTAQUIN CITY**
9. **APPROVE AND AUTHORIZE A MOUNTAINLAND ASSOCIATION OF GOVERNMENTS UTAH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AWARD OF UP TO \$19,000.00 TO MOUNTAINLANDS COMMUNITY HEALTH CENTER FOR THE WASATCH PROJECT**
10. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE STATE OF UTAH DEPARTMENT OF AGRICULTURE FOR PREDATOR CONTROL**
11. **ADOPT A RESOLUTION OF THE LEGISLATIVE BODY OF UTAH COUNTY APPROVING AND AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND THE REDEVELOPMENT AGENCY OF LINDON CITY, REPLACING AND RESCINDING RESOLUTION NO. 2013-110 AND AGREEMENT NO. 2013-672**
12. **ADOPT AN AMENDED RESOLUTION OF APPOINTMENT OF MEMBER TO THE UTAH COUNTY BOARD OF ADJUSTMENT - REFERENCE RESOLUTION NO. 2013-9**

ACTIONS TAKEN

Consent Agenda Item No. 1 was approved and authorized; Nos. 2, 4, 6 and 8 were approved; No. 3 was abated; No. 5 was received; No. 7 was adopted; and No. 9 was ratified. Regular Agenda Item No. 1 was declared; No. 2 was tentatively adopted; Nos. 4 through 10 were approved and authorized; and Nos. 11 and 12 were adopted.

AGREEMENT NOS.: 2013-704, 2013-705, 2013-706, 2013-707, 2013-708, 2013-709 and 2013-710

RESOLUTION NOS.: 2013-119, 2013-120, and 2013-121

REGULAR AGENDA

3. **SET A DATE, TIME AND LOCATION FOR A PUBLIC HEARING TO DISCUSS THE 2014 BUDGET FOR THE GENERAL FUND AND OTHER BUDGETARY FUNDS OF UTAH COUNTY; Suggested date: Tuesday, December 3, 2013 at 9:00 A.M. in Room # 1400 of the County Administration Building at 100 East Center Street in Provo, Utah**

UTAH COUNTY BOARD OF COMMISSIONERS
MINUTES - October 29, 2013
Page 4

Commissioner Anderson made the motion to set a Public Hearing to discuss the 2014 Budget for the General Fund at the suggested date, time and place of Tuesday, December 3, 2013 at 9:00 A.M. as defined in Regular Agenda Item No. 3. The motion was seconded by Commissioner Witney and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
NAY: None

SET

At this point, the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda.

14. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION
STRICKEN

15. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY
STRICKEN

16. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY
STRICKEN

17. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS COMMERCIAL INFORMATION AS DEFINED IN SECTION 59-1-404, U.C.A., AS AMENDED
STRICKEN

Commissioner Anderson made the motion to strike Regular Agenda Item Nos. 14, 15, 16 and 17 to set dates, times and locations for closed meetings for a strategy session to discuss pending or reasonably imminent litigation; for a strategy session to discuss the purchase, exchange, or lease of real property; for a strategy session to discuss the sale of real property; and to discuss commercial information as defined in Section 59-1-404, U.C.A., as amended. The motion was seconded by Commissioner Witney and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
NAY: None

13. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS

Commissioner Anderson made the motion to set a date, time and location for a closed meeting to discuss the character, professional competence, or physical or mental health of an individual or individuals to immediately follow the public comment portion of the regular public meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Witney and carried with the following vote:

UTAH COUNTY BOARD OF COMMISSIONERS
MINUTES - October 29, 2013
Page 5

**AYE: Doug Witney
Gary J. Anderson**
NAY: None

SET

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

There were no public comments and the meeting recessed at 9:18 A.M. to go into closed meetings. The public meeting reconvened at 9:30 A.M.

Commissioner Anderson made the motion to adjourn the October 29, 2013 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson**
NAY: None

There being no further business nor public comment, the meeting adjourned at 9:30 A.M. The minutes of the October 29, 2013 Commission Meeting were approved as transcribed on November 5, 2013.

DOUG WITNEY, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor